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6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9
10 DAVID L WIGGINS, JR.,

No. 2:20-cv-0983 DB

11 Plaintiff,

12 vs.

13 KILOLO KAJIKAZI,
14 Acting Commissioner of Social Security,

15
16 **STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

17
18 Defendant

19 IT IS HEREBY STIPULATED by and between the parties through their undersigned
20 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
EAJA in the amount of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00). This
21 amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by
22 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.
23

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
25 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
26 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
27 assignment will depend on whether the fees and expenses are subject to any offset allowed under
28

STIPULATION AND ORDER FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)

1 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
2 and expenses is entered, the government will determine whether they are subject to any offset.
3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
4 determines that Plaintiff does not owe a federal debt, then the government shall cause the
5 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
6 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
7

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees and expenses, and does not constitute an admission of liability on the part of
10 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
11 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
12 EAJA attorney fees and expenses in connection with this action.

14 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
15 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
16

18 Respectfully submitted,

19 Dated: November 29, 2022

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

22 PHILLIP A. TALBERT
United States Attorney
23 PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX

24 Date: November 29, 2022

/s/ Jennifer Tarn
(As authorized via email on 11/28/22)
JENNIFER TARN
Special Assistant United States Attorney

ORDER

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees under EAJA, in the amount of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00), are awarded to Plaintiff, subject to the terms of the stipulation.

IT IS SO ORDERED.

DATED: November 30, 2022

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE